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OFFICE OF PETITIONS

In re Application of :
Strohwig, et al. : DECISION ON APPLICATION
Application No. 09/629,114 : FOR PATENT TERM
Filed: July 31, 2000 : ADJUSTMENT
Atty. Dkt. No.: 7451.0026-00 :

This is a decision on the "STATEMENT REGARDING PATENT TERM ADJUSTMENT" filed September 14, 2004. This matter is being treated under 37 CFR 1.704(b) as an application for patent term adjustment. The required application fee of \$200.00 has been charged to Deposit Account No. 06-0916 as authorized.

The application for patent term adjustment ("PTA") under 37 C.F.R. § 1.705(b) is hereby **GRANTED TO THE EXTENT INDICATED HEREIN.**

Applicants request that the Determination of Patent Term Adjustment be corrected from 684 days, as indicated on the Determination of Patent Term Adjustment mailed July 6, 2004, to an adjustment of 782 days.

The correct adjustment at the time of Notice of Allowance is 693 days. The Office will adjust the PAIR screen to reflect that the Patent Term Adjustment (PTA) determination at the time of mailing of the Notice of Allowance and Issue Fee Due reflects an adjustment of 693 days. A copy of the updated PAIR screen showing the correct determination is enclosed.

In accordance with 37 CFR 1.702(a)(1), an adjustment of 782 days can be attributed to the Office¹.

The Office errantly calculated a reduction of 98 days for applicants' failure to engage in reasonable efforts to conclude prosecution with respect to the reply to the Notice to File

¹ In accordance with 37 CFR 1.703(a)(1), the adjustment began October 1, 2001, the day after the date that is fourteen months after the date on which the application was filed, and ended November 21, 2003, the date the non-final Office action was mailed.

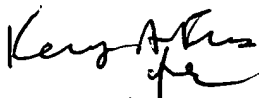
Missing Parts of Nonprovisional Application, mailed September 19, 2000, when in fact, a response to said Notice was timely submitted December 19, 2000, as argued by applicants.

The adjustment of 782 days, however, is reduced 89 days for applicants' failure to engage in reasonable efforts to conclude prosecution².

Accordingly, the period of patent term adjustment as of the date of mailing of the Notice of Allowance is 693 days.

The application file is being forwarded to the Publications Division for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.



Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation

² See, 37 CFR 1.704(b). The reduction began February 22, 2004, the day after the date that is three months after the date of mailing of the non-final Office action mailed November 21, 2003, and ended May 21, 2004, the date a reply to the non-final Office action along with petition for extension of time were submitted.